

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MACY'S INC and MACY'S.COM, INC.,

Plaintiffs,

v.

STRATEGIC MARKS, LLC,

Defendant.

CASE NO. 3:11-cv-06198-SC

**JOINT STIPULATION TO CONTINUE  
TRIAL DATE AND ORDER ON JOINT  
STIPULATION TO CONTINUE TRIAL  
DATE**

THE HONORABLE SAMUEL CONTI

STRATEGIC MARKS, LLC,

Counter-Claimant,

v.

MACY'S INC and MACY'S.COM, INC.,  
Counter-Defendants.

This stipulation and request is made and entered into by and among plaintiffs Macy's, Inc. and Macys.com, Inc. (collectively, "Plaintiffs" or "Macy's") and defendant Strategic Marks, LLC ("Defendant").

WHEREAS, pursuant to this Court's Order dated February 25, 2013, trial was scheduled to begin on July 23, 2013 (ECF No. 73);

WHEREAS, on June 27, 2013 the parties received notice from the Court that trial had been rescheduled to begin July 30, 2013 (ECF No. 108);

WHEREAS, the rescheduling of the trial presented insurmountable difficulties to Macy's as the new dates conflicted with the schedules of Macy's principal fact witness as well as Macy's survey expert;

WHEREAS, the parties agree that there is good cause to continue the trial date;

WHEREAS, the parties jointly request the Court to reschedule the trial to January 6, 2014 or some other subsequent date the Court deems appropriate;

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**JOINT STIP TO CONTINUE TRIAL DATE AND ORDER ON JOINT STIPULATION TO CONTINUE  
TRIAL DATE**  
Case No. 3:11-cv-06198-SC

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among all  
2 parties, and the Court's approval as to the following is hereby requested:

- 3 • That the trial in this case, currently scheduled to begin July 30, 2013, be continued to  
4 January 6, 2014, or some other subsequent date the Court deems appropriate.
- 5 • The discovery deadline (including the Extension of Discovery Deadline for Limited  
6 Purposes (ECF No. 110) ) shall not be affected by this Order.
- 7 • The pretrial conference shall be held on January 2, 2014, or some other subsequent date the  
8 Court deems appropriate.
- 9 • The remaining provisions of the Court's Jury Trial Preparation Order dated May 31, 2013  
10 (ECF No. 100) shall remain in effect.
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**[PROPOSED] ORDER ON JOINT STIPULATION TO CONTINUE**

**TRIAL DATE**

Having duly considered the Joint Stipulation to Continue Trial Date filed by the parties to this action on July 1, 2013, and good cause showing:

IT IS HEREBY ORDERED THAT for all the reasons set forth in the foregoing Joint Stipulation and Request to Continue Trial Date, the Court's February 25, 2013 Order Continuing Trial (ECF No. 73) and June 27, 2013 Clerk's Notice Rescheduling Hearing (ECF No. 108) be AMENDED as follows:

1. That the trial in this case, currently scheduled to begin July 30, 2013, be continued to January 6, 2014.
2. The discovery deadline (including the Extension of Discovery Deadline for Limited Purposes (ECF No. 110) ) shall not be affected by this Order.
3. The pretrial conference shall be held on December 20, 2013, at 10:00 AM.
4. The remaining provisions of the Court's Jury Trial Preparation Order dated May 31, 2013 (ECF No. 100) shall remain in effect.

**IT IS SO ORDERED.**

The Honorable Samuel Conti  
United States District Judge

Dated: July 1, 2013, 2013

